

REMARKS

Foreign Priority

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

Status Of Application

Claims 1-15 are pending in the application; the status of the claims is as follows:

Claims 1-14 are rejected under 35 U.S.C. § 102(e), as being anticipated by Nosaki et al., U.S. Patent No. 5,673,373 (hereinafter the "Nosaki patent").

Claim 15 is rejected under 35 U.S.C. § 103(a), as being unpatentable over the Nosaki patent, and further in view of Masato, Japanese Unexamined Patent Publication No. (A) 06-070079 (hereinafter the "Masato publication").

Claim Amendments

Claims 1, 6-11, 13, and 15 have been amended to improve the format of the claim in a manner which does not affect the scope of the substance of the claims.

35 U.S.C. § 102(e) Rejection

The rejection of claims 1-14 under 35 U.S.C. § 102(e), as being anticipated by the Nosaki patent, is respectfully traversed based on the following.

Claim 1 of the present application is directed to a facsimile apparatus, provided with a confidential reception function, capable of receiving confidential image data from an origin, and comprises in relevant part:

a memory which stores received confidential image data;
a notification data transmission means for transmitting notification data to said origin indicating that the received confidential image data has not been retrieved from said memory;
and
a deletion means for deleting the confidential image data from the memory in response to a completion of transmission of said notification data by the notification data transmission means;
wherein said notification data is transmitted if the received confidential image data has not been retrieved from the memory within a predetermined period of time.

(Emphasis added.)

That is to say, claim 1 requires a notification data transmission means to transmit an indication to the origin when the confidential image data has not been retrieved within a predetermined time. In addition, claim 1 requires a deletion means for deleting the confidential image data from the memory when the notification means has transmitted the notification data that indicates the confidential image data has not been retrieved from the memory.

In contrast, the Nosaki patent is directed to an image forming system which stores a print job in memory and sends a notice, including a password, to an intended receiver of the print job when it has received a secret job. (Col. 6, lines 9-23; and Col. 6, lines 35-39) The receiver can then wait until no one else is around before printing the document. The receiver must enter the password in order to print the document. (Col. 6, lines 40-46). The file is only deleted if all of the data was sent by the IFS to the printer. (Col. 7, lines 64-67). The Nosaki patent does not disclose a facsimile apparatus wherein a notification data transmission means transmits an indication to the origin when the confidential image data has not been retrieved from the memory within a predetermined time. Further, the Nosaki patent does not disclose a deletion means for deleting the confidential image data from memory when the notification means has transmitted notification data that indicates the confidential image data has not been retrieved. As the Nosaki patent does not disclose each and every limitation of claim 1 of the present application, claim 1 is not anticipated by the Nosaki patent. As claims 2-10 depend from non-anticipated independent claim 1, and

as dependent claims are held to incorporate the limitations of the base claim from which they depend, claims 2-10 are also not anticipated by the Nosaki patent.

Claim 11 of the present application is directed to a facsimile apparatus comprising in relevant part:

a memory which stores received confidential image data;
an output means for outputting stored confidential image data from said memory in response to input of a password by an operator;
a determination means for determining whether confidential image data has been outputted by the output means within a predetermined time after reception of the confidential image data;
a notification data transmission means for transmitting notification data, indicating that confidential image data has not been outputted from the memory, when the determination means has determined that outputting of the confidential image data from the memory has not been performed;
a detection means for detecting proper completion of transmission of the notification data; and
a deletion means for deleting confidential image data from the memory in response to detection of proper completion of transmission of the transmission data by the detection means.

(Emphasis added.)

That is to say, claim 11 requires a determination means for determining whether confidential image data has been outputted by the output means within a predetermined time after its reception; a notification data transmission means for transmitting notification data indicating that confidential image data has not been outputted when the determination means has determined that output of the confidential image data has not been performed; a detection means for detecting proper completion of transmission of the notification data; and a deletion means for deleting confidential image data from the memory in response to detection by the detection means.

In contrast, the Nosaki patent does not disclose a facsimile apparatus wherein a notification data transmission means transmits an indication when the determination means has determined that output of the confidential image data has not been

performed within a predetermined time after its reception. Further, the Nosaki patent does not disclose a deletion means for deleting the confidential image data from memory in response to detection by the detection means. Instead, the image forming system of the Nosaki patent deletes the data once it has been sent to the printer. (Col. 7, lines 64-67). As the Nosaki patent does not disclose each and every limitation of claim 11 of the present application, claim 11 is not anticipated by the Nosaki patent. As claim 12 depends directly from non-anticipated independent claim 11, claim 12 is also not anticipated by the Nosaki patent.

Claim 13 is directed to a managing method for managing a confidential received image in a facsimile apparatus provided with a confidential reception function and requires in relevant part the steps of:

receiving confidential image data and storing the received image data in a memory in the facsimile apparatus;
monitoring whether the stored confidential image data has been outputted within a predetermined time after reception of the confidential image data;
transmitting notification data, indicating that output has not occurred, when outputting of the confidential image data has not occurred within the predetermined time;
detecting proper completion of transmission of the notification data; and
deleting the confidential image data from the memory in response to a detection of the proper completion of transmission of the notification data.

(Emphasis added.)

That is to say, the managing method of claim 13 requires monitoring whether the stored confidential image data has been outputted within a predetermined time after image data reception; transmitting notification data indicating that output has not occurred when output has not occurred within the predetermined time; detecting proper completion of transmission of the notification data; and deleting the confidential image data from the memory in response to a detection.

In contrast, the Nosaki patent does not disclose monitoring whether the stored confidential image data has been output within a predetermined time after image data

reception; **transmitting notification data indicating that output has not occurred when output has not occurred within the predetermined time**; detecting proper completion of transmission of the notification data; **and** deleting the confidential image data from the memory in response to a detection. The image forming system of the Nosaki patent deletes the data once it has been sent to the printer. (Col. 7, lines 64-67). As the Nosaki patent does not disclose each and every limitation of claim 13 of the present application, claim 13 is not anticipated by the Nosaki patent. As claim 14 depends directly from non-anticipated independent claim 13, claim 14 is also not anticipated by the Nosaki patent.

Accordingly, it is respectfully requested that the rejection of claims 1-14 under 35 U.S.C. § 102(e), as being anticipated by the Nosaki patent, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejection

The rejection of claim 15 under 35 U.S.C. § 103(a), as being unpatentable over the Nosaki patent, and further in view of the Masato publication, is respectfully traversed based on the following.

Claim 15 is directed to a facsimile apparatus capable of receiving confidential image data from a source, the apparatus comprising:

- a memory capable of storing received confidential image data;
- a notification transmitter adapted to transmit notification data to the source;
- a confirmation apparatus adapted to confirm receipt of the notification data by the source; and
- a deleting apparatus adapted to delete stored confidential image data,

wherein **the notification transmitter transmits the notification data after a predetermined time if the confidential image data has not been retrieved, and the deleting apparatus deletes the confidential image data when the confirmation apparatus confirms that the source has received the notification data.**

(Emphasis added.)

That is to say, the facsimile apparatus of claim 15 requires that the notification transmitter transmit the notification data after a predetermined time if the confidential image data has not been retrieved, and that the deleting apparatus delete the confidential image data when the confirmation apparatus confirms that the source has received the notification data.

In contrast, the Nosaki patent does not disclose or suggest that the notification transmitter transmit the notification data **after a predetermined time if the confidential image data has not been retrieved, and that the deleting apparatus delete the confidential image data when the confirmation apparatus confirms that the source has received the notification data.** Instead, the image forming system of the Nosaki patent deletes the data once it has been sent to the printer. (Col. 7, lines 64-67). Therefore, claim 15 is not obvious with respect to the Nosaki patent.

The Masato publication is directed to a facsimile wherein a control means discriminates whether or not to permit the deletion of the picture data based on document management data. (Abstract.) The facsimile of the Masato publication does not disclose or suggest that the notification transmitter transmit the notification data **after a predetermined time if the confidential image data has not been retrieved, and that the deleting apparatus delete the confidential image data when the confirmation apparatus confirms that the source has received the notification data.** Therefore, claim 15 is not obvious with respect to the Masato publication.

Further, there is no motivation or suggestion to combine the two references nor would such a combination provide the facsimile of claim 15 of the present application. Therefore, claim 15 is not obvious with respect to the Nosaki patent in view of the Masato publication.

Accordingly, it is respectfully requested that the rejection of claim 15 under 35 U.S.C. § 103(a), as being unpatentable over the Nosaki patent, and further in view of the Masato publication, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley & Austin Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley & Austin Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

The following is a marked-up version of the changes to the claims which are being made in the attached response to the Office Action dated February 27, 2001.

IN THE SPECIFICATION:

The paragraph beginning at page 2, line 14, and ending at page 3, line 4:

The aforementioned facsimile apparatus notifies a sender that a confidential received image has not been retrieved from memory and deletes the unretrieved confidential received image from memory at the same time notification is made. Consequently, the sender has properly received notification that a confidential received image has not been retrieved, an unretrieved confidential received image is simply deleted from memory after [said] the notification is sent. A consequent problem exists in that, when a sender has not properly received notification that such an image has not been retrieved from memory, the sender cannot ascertain the fact that a confidential received image has been deleted from the receiver side memory without ever having been retrieved from memory.

IN THE CLAIMS:

1. (Twice Amended) A facsimile apparatus which is capable of receiving confidential image data from an origin and which is provided with a confidential reception function, comprising:

a memory which stores received confidential image data;

a notification data transmission means for transmitting notification data to said origin indicating that the received confidential image data has not been [retrieved,]
retrieved from said memory; and

a deletion means for deleting the confidential image data from the memory in response to a completion of transmission of said notification data by the notification data transmission [means,] means;

wherein said notification data is transmitted if the received confidential image data has not been retrieved from the memory within [after] a predetermined period of time.

6. (Twice Amended) A facsimile apparatus as claimed in claim 1, [further comprising:] wherein said notification data transmission means re-transmits [a retransmission means for re-transmitting] the notification data when transmission of the notification data is not completed successfully.

7. (Twice Amended) A facsimile apparatus as claimed in claim 6, further comprising:

a prohibiting means for prohibiting [said] the deletion of the confidential image data when the transmission of the notification data is not completed [after] within a predetermined number of retransmission attempts.

8. (Twice Amended) A facsimile apparatus as claimed in claim 1, further comprising:

an identification means for identifying a transmitter telephone number of the origin based on data transmitted [data,] with the confidential image data;

wherein said memory stores the transmitter telephone number in connection with the confidential image data.

9. (Once Amended) A facsimile apparatus as claimed in claim 8, wherein said notification data transmission means transmits the notification data using the identified telephone number [by the identification means.]

10. (Twice Amended) A facsimile apparatus as claimed in claim 1, wherein said memory stores a time of receipt of the confidential image data [in connection with the confidential image.]

11. (Twice Amended) A facsimile apparatus provided with a confidential reception function, comprising:

a memory which stores received confidential image data;

an output means for outputting stored confidential image data from said memory in response to input of a password by an operator;

a determination means for determining whether confidential image data has been [output] outputted by the output means within a predetermined time after [its reception,] reception of the confidential image data;

a notification data transmission means for transmitting notification data, indicating that confidential image data has not been [output] outputted from the memory, when the determination means has determined that [output] outputting of the confidential image data from the memory has not been performed;

a detection means for detecting proper completion of transmission of the notification data; and

a deletion means for deleting confidential image data from the memory in response to detection of proper completion of transmission of the transmission data by the detection means.

13. (Twice Amended) A managing method for managing a confidential received image in a facsimile apparatus, the facsimile apparatus being provided with a confidential reception function, the method comprising the steps of:

receiving confidential image data and storing the received image data in a [memory,] memory in the facsimile apparatus;

monitoring whether the stored confidential image data has been [output] outputted within a predetermined time after [image data reception,] reception of the confidential image data;

transmitting notification data, indicating that output has not occurred, when [output] outputting of the confidential image data has not occurred within the predetermined time;

detecting proper completion of transmission of the notification data; and

deleting the confidential image data from the memory in response to a [detection,] detection of the proper completion of transmission of the notification data.

15. (Once Amended) A facsimile apparatus capable of receiving confidential image data from a source, the facsimile apparatus comprising:

- a memory capable of storing received confidential image data;
- a notification transmitter adapted to transmit notification data to the source;
- a confirmation apparatus adapted to confirm receipt of the notification data by the source; and
- a deleting apparatus adapted to delete stored confidential image [data;] data,

wherein the notification transmitter transmits the notification data after a predetermined time if the confidential image data has not been retrieved, and the deleting apparatus deletes the confidential image data when the confirmation apparatus confirms that the source has received the notification data.